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June 26, 2025

VIA EMAIL

The Honorable Lee H. Rosenthal
United States District Court Judge (Senior)
United States District Court for the Southern District of Texas

Re: Solares v. Diaz, et al. USDC Case No. 1:20-cv-00323-LHR

Dear Judge Rosenthal:

I write to request that you reconsider a portion of the ruling you made during our June 24 hearing with respect to the production of OIG documents.

You will recall you ordered that the OIG records be produced without redaction by Friday, June 27, 2025. As I was preparing the documents for production, I realized there are several entries embedded in our records that arguably reflect attorney - client communications and attorney work product privileges being asserted by Mr. Duggan and Ms. Stocker on behalf of their respective clients. You have permitted them to brief those issues before deciding whether to order the production of the documents referenced in their privilege logs.

For example, there are referenced in the OIG's "case notes" specific references to discussions and recommendations CDCR's attorney made to the hiring authority regarding the discipline to be imposed upon the correctional officers involved in the incident and the sufficiency of the investigation conducted by the Office of Internal Affairs. The OIG was privy to these communications by virtue of our statutory oversight authority set forth in California Penal Code sections 6125, et seq. However, as has been stated several times, CDCR did not waive its privileges just because the OIG was present.

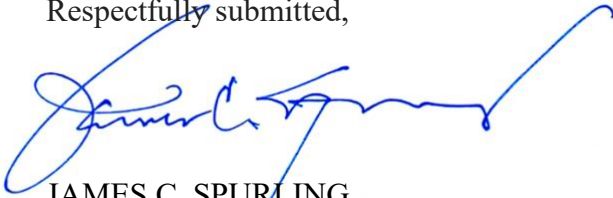
I am very concerned that the OIG's production of documents at this time may negatively impact the parties' positions in this case. In the interest of consistency and fairness, I ask that you permit me to "pause" the production of the OIG records until such time that you rule on the privilege issues being raised by Mr. Duggan and Ms. Stocker. Otherwise, I believe there is a significant risk that inconsistent orders will issue and that the OIG will inadvertently cause the waiver of privileges that belong to other parties.



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I apologize to you and counsel for failing to recognize this issue at the hearing. Please allow me to rectify my mistake by permitting a short delay in the production of the OIG records so that you may consider counsels' arguments. Thank you for considering my request.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James C. Spurling", with a large, sweeping flourish extending upwards and to the right.

JAMES C. SPURLING
Chief Counsel (A)
CA Office of the Inspector General